

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KEITH RUSSELL JUDD,

Petitioner,

-against-

MICHAEL E. ZENK, Warden MDC Brooklyn;
HARLEY G. LAPPIN, Director of the Federal
Bureau of Prisons; JOHN D. ASHCROFT,
U.S. Attorney General; U.S. DEPARTMENT
OF JUSTICE; GEORGE W. BUSH, President of
the United States;

Respondents.

KORMAN, Ch.J.

MEMORANDUM
AND ORDER
04-CV-2356 (ERK)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ NOV 30 2005 ★

BROOKLYN OFFICE

On November 9, 2005, petitioner filed the instant motion pursuant to Fed. R. Civ. P. 60(b), seeking reconsideration of this Court's June 15, 2004 order dismissing his petition for a writ of habeas corpus. Petitioner has unsuccessfully moved this Court to reconsider the dismissal of his petition on two prior occasions. Denying petitioner's second motion for reconsideration, this Court found his motion to be without merit and frivolous and noted petitioner's "penchant for litigation abuse." Judd v. Zenk, et al., 04-CV-2356 (ERK), slip op. at 1-2 (E.D.N.Y. June 28, 2005). Indeed, since petitioner was convicted in 1999, he has filed over 200 civil actions and appeals in district and appellate courts all over the United States, and several courts have sanctioned him or issued preclusion orders against him because of his abusive filings. See Judd v. Furgeson, 239 F. Supp. 2d 442, 443 n.1 (D. N.J. 2002) (discussing petitioner's litigation history). In denying petitioner's second motion for reconsideration, the Court warned him that "any further filing of non-meritorious requests may result in the issuance of an order barring the acceptance of any future submissions for filing without first obtaining leave of court to do so."

Id., slip op. at 2.

Petitioner has not taken the Court's warning seriously, as the instant motion is also non-meritorious and frivolous. Accordingly, the instant motion is hereby denied.

Furthermore, petitioner is hereby directed to show cause, by written affirmation, within thirty (30) days of the date of this Order why the Court should not bar the acceptance of any future submissions seeking reconsideration of this Court's order dismissing his petition and any *in forma pauperis* complaints or petitions for filing without leave of the Court. 28 U.S.C. § 1651. If plaintiff fails to show cause within the time allotted, he shall be barred from filing any future submissions as described above without leave of the Court with the exception of a notice of appeal.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal.

Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/Edward R. Korman
Edward R. Korman
United States District Judge

Dated:
Brooklyn, New York